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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,845	09/17/2001	Shih-Zheng Kuo	JCLA7061	1233

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BERKELEY LAW & TECHNOLOGY GROUP
1700NW 167TH PLACE
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EXAMINER

WORKU, NEGUSSIE

ART UNIT	PAPER NUMBER
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2625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/955,845

Applicant(s)

KUO, SHIH-ZHENG

Examiner

Negussie Worku

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) 1-10, 20-25 and 30-35 is/are allowed.
6) ☒ Claim(s) 1, 2, 7, 16-19, 26-29 and 36-39 is/are rejected.
7) ☒ Claim(s) 3-6, 8 and 9 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 09/17/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

- DOUGLAS Q. TRAN
PRIMARY EXAMINER
Traveling
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

1. This Office action is in response to the amendment filed 10/31/06. Claims 1-39 are pending, in which, claims 20-39 are new.

Response to the Arguments

2. Applicant's arguments see page 11-13, filed on October 31, 2006, with respect to the rejection(s) of claim(s) 1, 2, 7, and 16-19 have been fully considered and carefully reviewed. Applicant's arguments have been found unpersuasive, and therefore, the rejection has been maintained for the reason that the prior art used against the application still read on the amended claimed limitations of the invention.

In addition, upon further consideration the subject matter that the applicant had argued has been addressed by indicting additional column and lines where the prior art still reads on the claimed limitation.

Therefore, applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.**

Claim Rejections - 35 USC § 101

3. Claims 26 –29 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either an asserted utility or a well established utility, Accordingly,

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claim 26, have to meet the U.S.C. 101, utility requirement. Since the claimed subject matter is directed to a program (instructions) that run the system, at least the claim have to read "one or more instruction (program) stored in a computer executable storage medium".

4. Claims 1-2,7, 16-19, 26-29 and 36-39 also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

Priority

5. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). And a receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 2, 7, 16-19, 26-29 and 36-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi et al. (USP 5,583,662).

With respect to claim 1, Takahashi et al. discloses method of enhancing scan resolution, see (col.10, lines 60-68) suitable for use in a scanner with an optical sensor, (scanner 101 of fig 1) wherein a range that a detecting cell of the optical sensor can detect comprises two or more includes a plurality of original pixels with a predetermined number, and a result of one detection by the detecting cell comprises a scanned pixel, (image read by image sensor 101 of fig 1, if appears blurred to obviate the problem the IPU 103 of fig 3, perform pixel by pixel basis, see col.8, lines 40-45) the method comprising:

scanning a smooth image region, (scanner 101 of fig 1 and 2, reads a document) wherein the smooth image region comprises at least the original pixels with the predetermined number and wherein the smooth image region comprises a uniform brightness, (the quantities of the light are controlled to a predetermined adequate quantity by feed back control, see col.9, lines 45-60, and (col.10, lines 10-15) to obtain a smooth image data, see (there by preventing the density read out of the document from becoming irregular, see (col.10, lines 1-5); and

processing scanned images obtained by scanning a document according to the smooth image data, see (col.7, lines 40-45).

With respect to claim 2, Takahashi et al. discloses the method (as shown in fig 1), wherein the smooth image data is obtained prior to scanning the document, (scanning a document on the horizontal and main scan direction, see col.6, lines 30-35).

With respect to claim 7, Takahashi et al. discloses the method (as shown in fig 1-5), wherein the smooth image data is obtained after scanning the document, (the magnification or a processing which changes the amplification of data on the basis of the quantity of light for illumination and data level, is performed after the document is scanned by scanner 101 of fig 1 or 2, at least in the main scan direction after the, see col.8, lines 10-14).

With respect to claim 16, Takahashi teaches a method (as shown in fig 1 and 2) comprising: scanning a smooth image region with a uniform brightness, (scanner 101 of fig 1, scan document by controlling the light or brightness by light control circuitry in fig 3 and 4, see col.9, lines 45-55); obtaining a standard brightness from the smooth image region, and determining a calculated brightness for at least a portion of a second image region based at Least in part on the standard brightness, see (col.10, lines 1-7).

With respect to claim 17, Takahashi teaches the method (light control circuitry in fig 3 and 4, see col.9, lines 45-55), wherein the second image region includes at Least a portion with a non-uniform brightness see (col.10, lines 1-7).

With respect to claim 18, Takahashi teaches the method (fig 3 and 4), wherein the scanning of the smooth image region with a uniform brightness is performed prior to scanning the second image region see (col.10, lines 1-7).

With respect to claim 19, Takahashi teaches the method (fig 3 and 4), wherein the scanning of the smooth image region with a uniform brightness is performed prior to scanning the second image region see (col.10, lines 1-7).

With respect to claim 26, Takahashi teaches an article of manufacture, (fig 3 and 4) comprising: a storage medium (a microcomputer is built in the IPU 103 of fig 22, to control various loads, e.g., stepping motor, operation panel, etc, having a program or instruction, to control the system of fig 22), having one or more instructions stored thereon that, if executed, result in (col.5, lines 65 through col.6, lines 1-10): scanning a smooth image region with a uniform brightness obtaining a standard brightness from the smooth image region (col.10, lines 1-7); and determining a calculated brightness for at least a portion of a second image region based at least in part on the standard brightness (the quantities of the light are controlled to a predetermined adequate quantity by feed back control, see (col.9, lines 45-60, and(col.10, lines 10-15).

With respect to claim 27, Takahashi teaches an article of manufacture, (fig 3 and 4), wherein the second image region comprises at least a portion with a non-uniform brightness, (the quantities of the light are controlled to a predetermined adequate quantity by feed back control, see (col.9, lines 45-60, and (col.10, lines 10-15).

With respect to claim 28, Takahashi teaches an article of manufacture, (fig 3 and 4), wherein the scanning of the smooth image region with a uniform brightness is performed prior to scanning the second image region, (col.12, lines 17-25).

With respect to claim 29, Takahashi teaches an article of manufacture, (fig 3 and 4), wherein the scanning of the smooth image region with a uniform brightness is performed after scanning the second image region, (col.12, lines 17-25).

With respect to claim 36, Takahashi teaches an apparatus, (fig 3 and 4), comprising: means (101 of fig 1) for scanning a smooth image region with a uniform brightness col.11, lines 55-60); means (AGC processing of fig 2) for obtaining a standard brightness from the smooth image region; and means (amplifying circuit 301 of fig 10) for determining a calculated brightness for at least a portion of a second image region based at least in part on the standard brightness, (col.12, lines 17-25).

With respect to claim 37, Takahashi teaches the apparatus, (fig 3 and 4), wherein the second image region comprises at least a portion with a non-uniform brightness (col.12, lines 54-60, irregularity in density attributable to the bound portion).

With respect to claim 38, Takahashi teaches the apparatus, (fig 3 and 4), wherein the means (scanner 101 of fig 3) for scanning of the smooth image region with a

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uniform brightness comprises, means for scanning of the smooth image region with a uniform brightness prior to scanning the second image region (col.12, lines 17-25).

With respect to claim 39, Takahashi teaches an apparatus, (fig 3 and 4), wherein the means (scanner 101 of fig 3) for scanning of the smooth image region with a uniform brightness comprises means for scanning of the smooth image region with a uniform brightness after scanning the second image region (col.5, lines 50-55).

Allowable Subject Matter

8. The following is a statement of reasons for the indication of allowable subject matter: Claims 10-15, 20-25 and 30-35 are allowed.

With respect to claims 10-15, 20-25 and 30-35, the prior art searched and of the record does not teach or disclose the subject matter of claims 10-15, 20-25 and 30-35 of the application.

Claims objected to having Allowable Subject Matter

9. Claims 3-6, 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to the applicant's arguments/remarks

10. Applicant's remarks and arguments filed on October 31, 2006, in response to the Office action dated May 31, 2006, have been respectfully considered. Claims 10-15, 20-25 and 30-35, are allowed. Claims 3-6, 8 and 9 have been still objected to having allowable subject matter would be allowable if rewritten in independent form.

With respect to claim 1, 2, 7 and 26-29, applicant's arguments are not found persuasive for the reason the prior art still read on the claimed limitation as indicated in the office action above. Furthermore, Examiner dose not see the difference between the claimed limitation of claims 1, 2, 7 and 16-19, and the prior art cited.

With regard to applicant's arguments discussed on page 12-13 of applicant's response, Examiner respectfully disagree with applicant's arguments, because the limitation is broad enough to read on the prior art's teaching, in that the image source shown on fig 3 and 4, and discussed on column 9, lines 45-55, Specifically, Takahashi et al. discloses, scanning a smooth image region, (scanner 101 of fig 1 and 2, reads a document), wherein the smooth image region includes at least the original pixels with the predetermined number and has a uniform brightness (the quantifies of the light are controlled to a predetermined adequate quantity by feed back control, see col. 9, lines 45-60, and (col. 10, lines 10-15) to obtain a smooth image data, see (there by preventing the density read out of the document from becoming irregular, see (col.10, lines 1-5). (See page 3 of the Office Action), the quantity of light issuing from

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the lamp which change with ambient temperature, so that quantities of light or brightness are controlled to a predetermined adequate quantity, there by preventing the density/resolution read out of the document from becoming irregular see also col.10, lines 1-5. Examiner believes the prior art clearly teaches the claimed invention as amended, and therefore, the rejection to claims 1, 2, 7, 16-19 and claims 36-39 are maintained.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

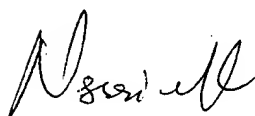
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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Negussie Worku whose telephone number is 305-5441.

The examiner can normally be reached on 7am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Negussie Worku
12/19/06

DOUGLAS Q. TRAN
PRIMARY EXAMINER

